



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of)
Botstein et al.)
Serial No. 09/943,664)
Filed: August 30, 2001)
Title: SECRETED AND)
TRANSMEMBRANE)
POLYPEPTIDES AND NUCLEIC)
ACIDS ENCODING THE SAME)
Examiner: Eileen B. O'Hara
Group Art Unit: 1646

The Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

DECLARATION PURSUANT TO 37 CFR 1.131

I, David Botstein, Margaret Roy, and J. Christopher Grimaldi declare as follows:

1. I am one of the seven named inventors of the claimed subject matter of U.S. Patent Application Serial No. 09/943,664 ("the '664 application").

2. I was employed by Genentech, Inc., South San Francisco, CA 94080 when I invented the invention encompassed by the claims of the '896 application.

3. I understand the Examiner of the '664 application has cited Holtzman *et al.*, U.S. Patent Publication No. 20020028505, Holtzman *et al.*, WO 99/54343, and Botstein *et al.*, WO 99/35170 against the '664 application, alleging that these references anticipate, under 35 U.S.C. § 102, the invention claimed in the '664 application.

4. I did not play a role in the sequencing or cloning of DNA44176 but did gene amplification or tissue expression work using DNA44176.

5. To the best of my knowledge, I agree that the statements of my co-inventors, relating to the sequencing and cloning of DNA44176, are true and correct.

6. I declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above applications or any patent granted therein.

David Botstein, Ph.D.

Date

Margaret Roy, Ph.D.

Date

J. Christopher Grimaldi, Ph.D.

Date